



FW AF/2882
44

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:
Date: May 7, 2004 Name: John C. Fremer Signature: *John C. Fremer*

BRINKS
HOFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Erich Strasser

Appln. No.: 09/785,800

Filed: February 16, 2001

For: POSITION MEASURING DEVICE AND METHOD
FOR OPERATION OF A POSITION MEASURING
DEVICE

Attorney Docket No: 56/349

Examiner: Song, Hoon K.

Art Unit: 2882

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

Amendment Under 37 C.F.R. § 1.116
 Return Receipt Postcard

Fee calculation:

No additional fee is required.
 Small Entity.
 An extension fee in an amount of \$____ for a ____-month extension of time under 37 C.F.R. § 1.136(a).
 A petition or processing fee in an amount of \$____ under 37 C.F.R. § 1.17(____).
 An additional filing fee has been calculated as shown below:

					Small Entity		Not a Small Entity		
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total	28	Minus	34		x \$9=			x \$18=	
Indep.	4	Minus	3		x 43=			x \$86=	\$86
First Presentation of Multiple Dep. Claim					+\$145=			+\$290=	
					Total	\$	Total	\$	86

Fee payment:

- A check in the amount of \$86.00 to cover the above-identified fee(s) is enclosed.
- Please charge Deposit Account No. 23-1925 in the amount of \$ _____. A copy of this Transmittal is enclosed for this purpose.
- Payment by credit card in the amount of \$ _____. (Form PTO-2038 is attached).
- The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

May 7, 2004
May 7, 2004

Respectfully submitted,


John C. Freeman (Reg. No. 34,483)



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on May 7, 2004.
Name of Registered Representative:

Jeff C. Freeman, Reg. No. 34,483

May 7, 2004

Date of Signature

PATENT
CASE NO. 56/349

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:)
Erich Strasser)
Serial No.: 09/785,800) Group Art Unit: 2882
Filed: February 16, 2001) Examiner: Song, Hoon K.
For: POSITION MEASURING DEVICE)
AND METHOD FOR OPERATION)
OF A POSITION MEASURING)
DEVICE)

AMENDMENT UNDER 37 C.F.R. § 1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Amendment is in response to the Office Action mailed on April 1, 2004.

This Amendment was not earlier presented because it responds to new objections and

rejections. The Amendment was also not earlier presented because it responds to the indication that certain claims that were not previously allowed now are deemed to contain allowable subject matter. Applicant is filing the current Amendment in order to overcome the objections. Applicant is also filing the current Amendment to amend several of the claims indicated to contain allowable subject matter into independent form so that they are allowable. Several dependent claims have been amended so as to depend on the newly allowed claims. Furthermore, claim 35 has been amended to further clarify Applicant's invention in view of the new rejection. Accordingly, the issues for Appeal have been reduced. In addition, it is not believed that the present Amendment will require a new search to be made on the part of the Examiner. Accordingly, please cancel claims 2 and 16 without prejudice and amend claims 3-7, 9-12, 15, 17-19, 21, 22, 35 and 36 as follows: